



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RENNER *et al.*

Appl. No. 10/050,902

Filed: January 18, 2002

For: **Molecular Antigen Array**

Confirmation No. 7792

Art Unit: 1648

Examiner: Mosher, M.

Atty. Docket: 1700.0190004/BJD/SJE

Reply To Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **April 1, 2003** (Paper No. 11), requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-189 and 194-218, drawn to core/attachment/antigen combinations. In reply to the requirement for an election of species of core, attachment and antigen, Applicants hereby provisionally elect the following species:

1. A core virus-like particle comprising recombinant proteins or fragments thereof of bacteriophage Q β (claims 1-11, 13-105, 108, 121-166, 169-179, 185-189 and 194-218);
2. An attachment wherein the first attachment site is an amino group, and the second attachment site is a sulfhydryl group (claims 1-189 and 194-218);
and

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3. An antigen or antigenic determinant comprising a human VEGFR-II peptide or fragment thereof (claims 1-35, 43-49, 86-156, 173-175, 177-189 and 198).

The aforementioned elections of restriction group and species are made without prejudice to or disclaimer of the other claims or inventions disclosed, and are made with traverse.

The election of Restriction Group I is made with traverse because all the claims of Groups I-II should be grouped and examined together. All claims can be examined without serious burden because a search of the art for the claims of Group I should find art also relevant to the claims of Group II. Hence, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

The election of species is also made with traverse, as a search for art relevant to the elected species should find art also relevant to all of the other species. Hence, Applicants request rejoinder and examination of all of the the species together as so doing would not create an undue burden on the Examiner.

This traversal of the Restriction and Election of Species requirements should not be construed as a statement or an admission that the various groups and/or species identified by the Examiner are or are not patentably distinct. Instead, Applicants respectfully contend that the search required to examine all pending claims will not

impose serious burdens on the Examiner. Imposition of a serious burden without restriction is a requirement for a proper restriction requirement and election of species requirement. *See* 37 C.F.R. § 1.141(a); *see also* MPEP §§ 803 and 806.04(b). Therefore, reconsideration and withdrawal of these requirements are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a large, sweeping flourish at the end.

Brian J. Del Buono
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Date: September 26, 2003

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